

## **June 2005 Unified Program Newsletter**

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### **California Environmental Protection Agency**

#### **Staff Departure**

Larry Matz, manager of the Unified Program Section, has announced his retirement and will be leaving the Unified Program on June 16. He is planning an exciting adventure that will take him across the country as a member of a team supporting bicyclist Davis Kees in the Race Across America (RAAM)—a 3000+ mile, 9.5 day race from San Diego to Atlantic City, New Jersey. (For information, please visit <http://www.raceacrossamerica.org/>). Larry will be returning to Cal/EPA as a retired annuitant working on the enforcement initiative. We wish him the best of luck on his cross-country journey and will see him in July!

#### **Staff Arrival**

Susana Flores has joined the Unified Program as the new student assistant. She is a junior at Sacramento State University and is studying Environmental Science. We are very happy to bring her aboard.

### **State Water Resources Control Board**

#### **Reminders:**

- Untestable Secondary Containment Systems Must Be Replaced With Testable Secondary Containment Systems Deadline: July 1, 2005
- California UST Service Technician Certification Exam Requirement Deadline: July 1, 2005
- Deadline for Designated UST Operators to complete the initial training of facility employees: July 1, 2005
- California UST Inspector Certification Exam Requirement Deadline: September 1, 2005

#### **Proposed Rulemaking - Interstitial Liquid Level Measurement (ILLM)**

To make the existing emergency regulation defining ILLM a permanent part of title 23, the State Water Board proposed a rulemaking. The Board voted unanimously to adopt the proposed regulation during their May 19th meeting. UST Program staff are now preparing the final rulemaking record, which will be sent to the Office of Administrative Law (OAL) for review. To allow time for completion of the rulemaking process, OAL has extended the current emergency regulation through July 28, 2005. Further information

on the proposed regulation and public comment process can be found on the UST Program website ([www.waterboards.ca.gov/ust](http://www.waterboards.ca.gov/ust)). UST Program Contact: Scott Bacon ([sbacon@waterboards.ca.gov](mailto:sbacon@waterboards.ca.gov) ; 916-341-5873)

### **Enhanced Vapor Recovery Multi Agency Review Process**

Health and Safety Code (HSC), chapter 6.7, section 25290.1.2(a) requires the Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to determine collaboratively, to the best of their knowledge and using existing resources, that the equipment that meets the ARB's Enhanced Vapor Recovery (EVR) requirements also meets UST statutory requirements. The ARB and State Water Board held a joint staff-level workshop on February 28, 2005 to solicit stakeholder comments on the draft proposed guidelines for determination of compliance of EVR systems with UST statutes. Comments were received from stakeholders and incorporated into the guidelines. The guidelines are now final and will soon be posted on the UST Program website ([www.waterboards.ca.gov/ust](http://www.waterboards.ca.gov/ust)). UST Program Contact: Raed Mahdi ([rmahdi@waterboards.ca.gov](mailto:rmahdi@waterboards.ca.gov) ; 916-341-5871)

### **Follow-up to Enhanced Leak Detection (ELD) Notification:**

Many UST facilities that were sent ELD notification letters by the State Water Board have yet to submit their ELD test results or Request for Reconsideration (RFR) to us. This is an indicator of non-compliance with the ELD requirements. We encourage local agencies to check their facility records and follow up with those owners/operators who have not responded to SWRCB notification. Upon request we can provide a list of facilities in your jurisdiction that we have not received ELD test results or a RFR. UST Program Contact: Terry Brazell ([tbrazell@waterboards.ca.gov](mailto:tbrazell@waterboards.ca.gov) , 916-341-5645)

### **2005 CUPA Conference Training CD's**

Courtesy of the CUPA Forum Board, eight training sessions at the 2005 CUPA Conference were captured on video and have been copied to CD. Mid June all CUPA's and PA's will receive a 'boxed set' of the following training sessions: UST Regulatory Compliance Training (2CD's), Hazardous Waste Inspector Training, Cal ARP Field Inspections, Weapons of Mass Destruction/ Role of the Environmental Health Professional, Resolving Conflict/Working Relationships Negotiation Skills, ISO 14001 and other Environmental Management Systems, Spill and Release Reporting, Where Does Waste Go, and Universal Waste Implementation. Special thanks go out to Bill Lent (650-363-4366) of the CUPA Forum Board for coordinating this effort. UST Program Contact: Laura Chaddock ([lchaddock@waterboards.ca.gov](mailto:lchaddock@waterboards.ca.gov) ; 916-341-5870)

### **Unidocs-Geotracker Link**

The general scope of this project is to integrate Geotracker and Unidocs systems so users can seamlessly access information in both databases. The project is being funded by a USEPA grant. This is an effort to make local UST facility and tank information available to SWRCB and others through the Geotracker system. The initial work on this project is scheduled to be completed by June 30, 2005. Dan Firth of the CUPA Forum Board (650) 329-2347 is coordinating this effort. UST Program Contact: Kevin Graves ([kgraves@waterboards.ca.gov](mailto:kgraves@waterboards.ca.gov) ; 916-341-5782)

### **UST Regulatory Compliance Training**

Upon request by local agencies, Laura Chaddock will continue to provide UST Regulatory Compliance Training. Requests for UST Regulatory Compliance Training through August 2005 should be submitted as soon as possible. UST Program Contact: Laura Chaddock ([lchaddock@waterboards.ca.gov](mailto:lchaddock@waterboards.ca.gov) ; 916-341-5870)

### **Effort to Update Regulations**

The State Water Board's regulations are out of date. We are considering whether it still makes sense to allow leak detection via groundwater or vapor monitoring wells and statistical inventory reconciliation. The CUPA Forum Board UST Issue Coordinators and State Water Board staff are interested to hear the TAG's perspective on these issues. How many facilities still use these types of leak detection? How reliable are they? What would be the business impact if these methods were no longer allowed? We hope to hear your viewpoints on these issues during future TAG meetings. UST Program Contact: Laura Chaddock ([lchaddock@waterboards.ca.gov](mailto:lchaddock@waterboards.ca.gov) ; 916-341-5870)

**Continued Reporting of Piping Failure To Underwriters Laboratories Inc. (UL)**

Please continue to report any problems with product piping degradation and/or failures bearing a UL mark directly to UL. To file a report complete the Consumer Product Report Form online at:

<https://www.ul.com/consumers/conproddb.cfm>. So that we can also track product piping failures and degradation, please also send a copy of the Consumer Product Report Form and any attachments to: Laura Chaddock, State Water Resources Control Board, Division of Water Quality, Groundwater Quality Branch, P.O. Box 2231, Sacramento, CA, 95812.

UST Program Contact: Laura Chaddock ([Ichaddock@waterboards.ca.gov](mailto:Ichaddock@waterboards.ca.gov) ; 916-341-5870)

**Department of Toxic Substances Control****HWMP Rulemaking Calendar**

HWMP Rulemaking Calendar has been posted on the Unified Program Website. To see the updated calendar, please use the following link:

<http://epadev.epanet.ca.gov/CUPA/Calendar/>

**Upcoming Changes in Manifest Forms and Requirements**

The current California hazardous waste manifest will be replaced as of September 6, 2006. As of that date, only the new Uniform Hazardous Waste Manifest adopted by U.S. EPA in March 2005 can be used. In addition, current manifests must continue to be used up to and including September 5, 2006. In order to turn 120,000 generators on a dime, a massive education effort and CUPAs help will be needed. Currently, there are approximately 500,000 annual manifested shipments of hazardous waste each year in California.

On June 6, 2005, DTSC is mailing a fact sheet explaining the changes to all recipients of the 2005 Verification Questionnaire mailing. In addition, DTSC has a new web site on the state regulations under development and the adopted federal form and package. For more information and to link to a copy of the fact sheet and new manifest form, go to

<http://www.dtsc.ca.gov/LawsRegulationsPolicies/ManifestChanges/index.html>. Please distribute a copy of the fact sheet to all field staff as generators may be asking them about it starting in early June.

The current plan is for California to adopt the federally mandated changes through a non-substantive rulemaking ("Section 100") in February 2006, in order to allow sufficient time to educate generators, transporters, facilities, and regulators. A session is planned to be offered at the 2006 CUPA Conference. Comments will be solicited through two workshops tentatively planned for September 2005. A Listserv is now available to electronically notify interested parties about this package. You may sign up at the web page listed above. A new email address to submit questions or comments about these regulations has also been established, [CAManRegs@dtsc.ca.gov](mailto:CAManRegs@dtsc.ca.gov).

DTSC Contact: Ann Carberry, Manifest Enforcement Coordinator, [ACarberr@dtsc.ca.gov](mailto:ACarberr@dtsc.ca.gov), Phone 916-255-3660/ Fax 916-255-6446

**Training Opportunity****Course Description:**

This 3-day course, designed for inspectors with at least 3 years of experience, provides discussion, demonstrations, and practice in specific skills, such as information research, digital camera usage, interviewing, report writing, lab fraud, courtroom testimony/evidence, and other topical issues.

**Target Audience:**

**Job:** Federal Employees, State Employees, Local Government Employees, Tribal Employees, Inspectors Administrative, Civil

**Primary Statute or Media:**

Non-Media Specific

**Deliveries:**

July 19 - 21, 2005, San Francisco, CA

**Course Contact:**

Jeffrey Lightner  
[lightner.jeff@epa.gov](mailto:lightner.jeff@epa.gov)  
303-236-6782

**Course Team Leader and OECA Office:**

Jeffrey Lightner  
[lightner.jeff@epa.gov](mailto:lightner.jeff@epa.gov)  
303-236-6782

**Capacity:**

Course is generally limited to 40 participants per delivery.

**Course Requirements or Conditions:**

Prerequisite: Basic Inspector Training or equivalent; students should have a minimum of 3 years field experience, including procedures and techniques for a civil compliance/enforcement inspection, and understand the larger case development process.

**Office of Emergency Services****Legislation Updates**

OES is tracking the following proposed legislative concepts (bills). These bills will not become law until approved by both legislative houses and signed by the Governor's Office. Note: This information was collected on June 1, 2005.

**AB 403 (La Malfa)**

Titled: Propane tanks: hazardous materials inventory and business plans.

This bill proposes to exempt propane from the Business Plan Program if the propane is used to heat the premises of the business.

Current Status: Approved by the Assembly and sent to the Senate.

**AB 895 (Walters)**

Titled: Environment: California Environmental Protection Agency.

This bill consolidates into a unified program under the authority of the CalEPA, the emergency response program of the Department of Toxic Substances Control, the business plan and accident release program of the Office of Emergency Services, the Marine Facilities Division of the State Lands Commission, and the oil spill unit of the California Coastal Commission.

Current Status: No action since introduced February 18, 2005.

**AB 1327 (Tran)**

Titled: Hazardous materials: accidental release prevention program.

This bill impacts Business Plan and CalARP Programs. Business Plan Program: Eliminates the requirement for the governing body of the administering Agency to set administrative penalties. CalARP Program: Conforming changes to civil enforcement sections ("business" changed to "person or stationary source").

Current Status: Approved by Assembly and sent to Senate May 5, 2005. May 24 in Senate committee, hearing canceled at the request of the author.

**SB 602 (Figueroa)**

Titled: Standardized environmental data reports.

This bill proposes non-substantive changes in provisions that allow the Secretary of Cal-EPA to develop electronic protocols for the Unified Program.

Current Status: No action since March 3, 2005.

**SB 419 (Simitian)**

Titled: Hazardous materials: transportation: railroad tank cars.

This bill proposes require OES to create and maintain a hazardous rail tank car database, which would contain specified information, including a current certificate of compliance provided by the legal owner or lessee of the rail tank car stating that the rail tank car meets certain standards. The bill would authorize OES to charge a fee sufficient to maintain the database and would provide that a rail tank car that is listed on the database is a registered hazardous tank car. The bill would require the legal owner of a hazardous rail tank car to present the certificate of compliance when delivering a hazardous tank car containing certain hazardous materials to a railroad.

Current Status: Amended several times. Sent to the Senate floor (third reading) on May 27, 2005.

**SB 578 (Escutia)**

Titled: Railroads: Safety

This bill proposes additional notification requirements for uncontrolled train movement and runaway trains as well as some additional Public Utilities Commission investigation and reporting requirements.

Current Status: Amended several times. Sent to the Senate floor (third reading) on May 25, 2005.

Questions or comments should be directed to the author of the bill. All bill information can be found at the following website: <http://www.leginfo.ca.gov/bilinfo.html>

**The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).**

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